

REMARKS

This is a full and timely response to the outstanding Office Action mailed May 19, 2005 (Paper No./Date 0514205). Reconsideration and allowance of the Application and presently pending claims are respectfully requested.

I. Allowable Subject Matter

Applicants greatly appreciate the Examiner's statement in the previous Office Action in which claims 5, 6, 8-15, and 43-52 have been indicated as allowable.

II. Examiner's Amendment

In response to Examiner's Amendment, Applicants accept Examiner's Amendment as provided in the Ex Parte Quayle and confirm that Examiner's Amendment was authorized in a telephone interview with Jeffrey R. Kuester on May 11, 2005.

III. Response to Ex Parte Quayle

The Examiner stated in the present Office Action that the disclosure was objected to because of informalities in the Specification with regard to the use of the word "Appendix." Applicants have amended the Specification and made it into acceptable format. During several discussions over the telephone, the Examiner indicated that it would be acceptable to include "Exhibits" to replace Appendix. The Examiner further indicated that the screen shots and tables in the Exhibits do not have to be edited into a formal figure; but can be left in the Exhibit as screen shots and tables. The "Exhibits" are inserted after Page 31 of the Specification and have pages as follows: Exhibit 1, Pages 1-53; Exhibit 2, Pages 1-487; and Exhibit 3, Pages 1-439. It should be noted that the Exhibits contain only a portion of the Appendix. Applicants respectfully submit that the amendments and additions add no new matter to the present application.

IV. Response to Reasons for Allowance

The Examiner has made some broad conclusory statements in the Statement of Reasons for Allowance, which may be viewed as an oversimplification of the examination issues, and if taken out of context, could give rise to an improper interpretation of the claims as well as the file

history. For these reasons, Applicants provide the following comments to vouch the record and to ensure proper interpretation of the claims and history.

First, Applicants agree with the Examiner that “the incorporation of the combination of all of the recited features into one system for managing a single job [, as recited in claims 5, 6, 8-15, and 43-52] (e.g., as part of the JMOS system) is not taught or suggest by the prior art of record” (page 5 of the Office Action). However, there are other additional reasons why these claims are allowable over the prior art of record, and Applicants do not admit that the stated reasons for allowance are the only reasons for allowance.

Second, Applicants disagree with the statement that “these features [referring to bid and award application and interface] are separately old and well-known in the art” (page 5 of the Office Action). This finding of old and well-known in the art should not be considered old and well known for at least the specific and particular reason that the Office Action and previous Office action do not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

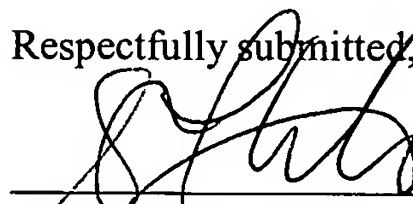
Third, in accordance with 35 U.S.C. Section 282: “Each claim of a patent (whether in independent, dependent, or multiple dependent form) shall be presumed valid independently of the validity of other claims; dependent or multiple dependent claims shall be presumed valid even though dependent upon an invalid claim.” Thus, claims 43-52 that were addressed by the Examiner as reciting “a method claim corresponding to the same computer-executed functionality recited in claim 5; therefore, claim 43 and dependent claims 44-52 are deemed to be allowable over the prior art of record for the same aforementioned reason” (page 5 of the Office Action) should not rise or fall, when construed in terms of validity, with independent claim 5, but instead should be construed independently of claim 5.

Fourth, the scope and validity of each claim (whether in independent, dependent, or multiple dependent form) should be determined based upon the entire combination of elements/features/steps in each claim, as opposed to only the particular feature or features pointed out by the Examiner.

CONCLUSION

Favorable reconsideration of the Specification is hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned at (770) 933-9500.

Respectfully submitted,



Jeffrey R. Kuester
Reg. No. 34,367

THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500